

Introduced by Senator Kuehl

February 16, 2006

An act to amend, repeal, and add Section 40518 to, and to add and repeal Section 22368 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1300, as introduced, Kuehl. Vehicles: Mobile photo radar speed enforcement.

(1) Existing law authorizes the equipping, by governmental agencies, in cooperation with law enforcement agencies, of automated enforcement systems, as defined, provides a special procedure in connection with certain alleged violations recorded by an automated enforcement system, and limits the availability of photographic records to the purposes of the law.

This bill would authorize the City of Beverly Hills with the oversight of the local law enforcement agency, to establish by ordinance, a pilot project utilizing a mobile photo radar speed enforcement system, as defined, for purposes of enforcing certain speed laws in a residence district or a school zone, as those terms are defined by other provisions of law. The bill would require the City of Beverly Hills, if it establishes the pilot project, to submit to the Legislature, on or before July 1, 2010, a report prepared by an independent qualified contractor on the efficacy of the mobile photo radar speed enforcement system in reducing speeding and improving traffic safety in residential districts and school zones.

This bill would provide that its provisions would only remain in effect until January 1, 2011, and as of that date would be repealed.

(2) Existing law provides special written, mailed notice to appear procedures in connection with certain alleged violations recorded by an automated enforcement system.

This bill would expressly apply the above until January 1, 2012, to certain alleged violations recorded by a mobile photo radar speed enforcement system utilized by the pilot project described in (1).

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22368 is added to the Vehicle Code, to
2 read:

3 22368. (a) The City of Beverly Hills may, by ordinance,
4 establish a pilot project utilizing a mobile photo radar speed
5 enforcement (MPRSE) system for speed enforcement that does
6 all of the following:

7 (1) Identifies clearly the presence of the MPRSE system by
8 signs that are visible to traffic entering the street on which the
9 MPRSE system is utilized.

10 (2) Identifies, with distinctive markings, the vehicle containing
11 the MPRSE equipment.

12 (3) Provides notice to drivers that a photographic record may
13 have been taken when the driver passes the vehicle containing
14 the MPRSE system.

15 (4) Utilizes the system for speed enforcement in areas that
16 meet the following criteria:

17 (A) In a residence district, as defined in Section 515, with a
18 speed limit that is no greater than 25 miles per hour.

19 (B) In a school zone, as defined in paragraph (2) of
20 subdivision (b) of Section 40802.

21 (5) (A) Utilizes a peace officer or public officer who is
22 properly trained in the use of the photo radar equipment and
23 photographic equipment, and radar, laser, or other electronic
24 devices; the enforcement of traffic and speeding laws; and is
25 present at the time of the alleged violation.

26 (B) For the purpose of this section, a public officer is a person

27 who is trained in speed enforcement pursuant to subparagraph

28 (C) and is authorized by local ordinance to enforce speeding laws
29 through the operation of the MPRSE system.

30 (C) For the purposes of subparagraph (A), a peace officer or
31 public officer is considered properly trained if he or she
32 successfully completed both of the following:

1 (i) Either a radar operator course approved and certified by the
2 Commission on Peace Officer Standards and Training of not less
3 than 24 hours on the use of a police traffic radar, laser, or other
4 electronic device, or an operator course meeting equivalent
5 standards.

6 (ii) A minimum of 24 hours of speed enforcement training
7 conducted by a local law enforcement agency.

8 (b) Prior to enforcing speed and traffic laws under the pilot
9 project, the City of Beverly Hills shall do both of the following:

10 (1) Make a public announcement of the system at least 30 days
11 following the installation of the signs under paragraph (1) of
12 subdivision (a).

13 (2) Issue only warning notices for the first 30 days of
14 enforcement under the pilot project.

15 (c) The City of Beverly Hills with the oversight of the local
16 law enforcement agency, may operate an MPRSE system
17 pursuant to this section. As used in this subdivision, “operate”
18 includes all of the following activities:

19 (1) Develops uniform guidelines for the following:

20 (A) The selection of locations where the system will be
21 utilized. The guidelines for the selection shall include, but are not
22 limited to, consideration of demonstrated community
23 involvement and support, and demonstrated need for traffic
24 calming devices.

25 (B) The screening and issuing of citations.

26 (C) The processing and storage of confidential information.

27 (D) The establishment of procedures to ensure compliance
28 with the guidelines.

29 (2) Performs administrative and day-to-day functions,
30 including, but not limited to, all of the following:

31 (A) Certifies that the equipment is properly installed and
32 calibrated, and is operating properly, which means that, at a
33 minimum, the radar, laser, or other electronic device used to
34 measure the speed of the accused meets or exceeds the minimal
35 operational standards of the National Traffic Highway Safety
36 Administration, and has been calibrated within the three years
37 prior to the date of the alleged violation by an independent
38 certified laser or radar repair and testing or calibration facility.

39 (B) Ensures that the equipment is regularly inspected.

1 (C) Inspects and maintains regularly warning signs placed
2 pursuant to paragraph (1) of subdivision (a).

3 (D) Maintains controls necessary to ensure that only those
4 citations that have been reviewed and approved by law
5 enforcement are delivered to violators.

6 (d) (1) Notwithstanding Section 6253 of the Government
7 Code, or any other provision of law, photographic records made
8 by an MPRSE system shall be confidential, and shall be made
9 available only to governmental agencies and law enforcement
10 agencies and only for the purposes of enforcing this article.

11 (2) Confidential information obtained from the Department of
12 Motor Vehicles for the administration or enforcement of this
13 article shall be held confidential and shall not be used for any
14 other purpose.

15 (3) Except for court records described in Section 68152 of the
16 Government Code, the confidential records and information
17 described in paragraphs (1) and (2) may be retained for up to six
18 months from the date the information was first obtained, or until
19 final disposition of the citation, whichever date is later, after that
20 time the information shall be destroyed in a manner that will
21 preserve the confidentiality of a person included in the record or
22 information.

23 (e) The registered owner or an individual identified by the
24 registered owner as the driver of the vehicle at the time of the
25 alleged violation shall be permitted to review the photographic
26 evidence establishing the alleged violation.

27 (f) A contract between a local authority and a manufacturer or
28 supplier of mobile photo radar enforcement equipment shall not
29 include provision for the payment or compensation to the
30 manufacturer or supplier based on the number of citations
31 generated, or as a percentage of the revenue generated, as a result
32 of the use of the equipment authorized under this section.

33 (g) As used in this section, the term “mobile photo radar speed
34 enforcement system” or “MPRSE system” means a mobile radar
35 system operated by a peace officer or public officer that utilizes
36 automated equipment to detect a violation of speeding laws and
37 is designed to obtain a clear photograph of a vehicle’s license
38 plate and the driver of the vehicle.

39 (h) If the City of Beverly Hills establishes a MPRSE pilot
40 project pursuant to this section, notwithstanding Section 7550.5

1 of the Government Code, the city shall, on or before July 1,
2 2010, submit to the Legislature a report prepared by an
3 independent qualified contractor providing an evaluation of the
4 MPRSE pilot project. The report shall provide data relative to the
5 efficacy of the MPRSE system in reducing speeding and
6 improving traffic safety in residential neighborhoods and school
7 zones. The contractor shall make the report available to the
8 public and request public comments from any interested parties
9 prior to the final production of the report and submittal to the
10 Legislature.

11 (i) This section shall remain in effect only until January 1,
12 2011, and as of that date is repealed, unless a later enacted
13 statute, that is enacted before January 1, 2011, deletes or extends
14 that date.

15 SEC. 2. Section 40518 of the Vehicle Code is amended to
16 read:

17 40518. (a) Whenever a written notice to appear has been
18 issued by a peace officer or by a qualified employee of a law
19 enforcement agency on a form approved by the Judicial Council
20 for an alleged violation of Section 22451, or, based on an alleged
21 violation of Section 21453, 21455, or 22101 recorded by an
22 automated enforcement system pursuant to Section 21455.5 or
23 22451, *or, based on an alleged violation of Section 22352*
24 *recorded by a mobile photo radar speed enforcement system*
25 *pursuant to Section 22368*, and delivered by mail within 15 days
26 of the alleged violation to the current address of the registered
27 owner of the vehicle on file with the department, with a
28 certificate of mailing obtained as evidence of service, an exact
29 and legible duplicate copy of the notice when filed with the
30 magistrate shall constitute a complaint to which the defendant
31 may enter a plea. Preparation and delivery of a notice to appear
32 pursuant to this section is not an arrest.

33 (b) A notice to appear shall contain the name and address of
34 the person, the license plate number of the person's vehicle, the
35 violation charged, including a description of the offense, and the
36 time and place when, and where, the person may appear in court
37 or before a person authorized to receive a deposit of bail. The
38 time specified shall be at least 10 days after the notice to appear
39 is delivered.

1 (c) *This section shall remain in effect only until January 1,*
2 *2012, and as of that date is repealed, unless a later enacted*
3 *statute, that is enacted before January 1, 2012, deletes or extends*
4 *that date.*

5 SEC. 3. Section 40518 is added to the Vehicle Code, to read:

6 40518. (a) Whenever a written notice to appear has been
7 issued by a peace officer or by a qualified employee of a law
8 enforcement agency on a form approved by the Judicial Council
9 for an alleged violation of Section 22451, or, based on an alleged
10 violation of Section 21453, 21455, or 22101 recorded by an
11 automated enforcement system pursuant to Section 21455.5 or
12 22451, and delivered by mail within 15 days of the alleged
13 violation to the current address of the registered owner of the
14 vehicle on file with the department, with a certificate of mailing
15 obtained as evidence of service, an exact and legible duplicate
16 copy of the notice when filed with the magistrate shall constitute
17 a complaint to which the defendant may enter a plea. Preparation
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21 the person, the license plate number of the person's vehicle, the
22 violation charged, including a description of the offense, and the
23 time and place when, and where, the person may appear in court
24 or before a person authorized to receive a deposit of bail. The
25 time specified shall be at least 10 days after the notice to appear
26 is delivered.

27 (c) This section shall become operative on January 1, 2012.